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Attorney for Defendant

United States District Court
Eastern District of Washington
Before the Hon. Salvador Mendoza, Jr.

United States of America,

Plaintiff,

v.

Monica Pesina,

Defendant.

No. 4:19-CR-06063-SMJ

Defendant's Motion to Extend
Pretrial Motions Deadline

December 11, 2019 at 6:00 PM
Without oral argument

Defendant Pesina, through her attorney of record, moves the Court for an order extending the pretrial motions deadline from November 29, 2019 to Friday, December 6, 2019. Defendant Pesina's counsel contacted opposing counsel by email on November 27, 2019 for her position on this motion, but has not received a reply.

1 “When an act must or may be done within a specified period, the
2 court...for good cause may [extend the time] on a party’s motion
3 made before the originally prescribed or previously extended time
4 expires[.]” Fed R. Crim. P. 45(b)(1). In the instant case, “[a]ll pretrial
5 motions, including ... motions in limine [must be] filed with the
6 Court” on or before November 29, 2019. ECF No. 41. Since this
7 motion is filed before time has expired, Defendant Pesina only
8 needs to establish good cause to extend the deadline.

9 Defendant Pesina was arraigned on November 8, 2019. ECF No.
10 34. Local Criminal Rule 16 requires the Government to provide
11 discovery to Defendant Pesina within fourteen days of arraignment.
12 LCrR 16(a). Fourteen days after arraignment, Defendant Pesina
13 had still not received discovery. Defendant Pesina’s counsel
14 emailed opposing counsel requesting a status update on the
15 discovery disclosures. After not receiving a response to the first
16 email, Defendant Pesina’s counsel sent a second email on
17 November 27, 2019 requesting a status update. Opposing counsel
18 indicated she believed discovery had already been disclosed on
19 November 22, 2019. After correcting this mistaken belief, the
20 government produced 340 pages of discovery and at least seven

1 videos. Defendant Pesina's counsel anticipates filing a motion to
2 suppress evidence based on an unconstitutional seizure and
3 requires additional time to review the discovery that was just
4 produced and to draft the necessary pleadings. Defendant Pesina's
5 counsel may also identify additional pretrial motions after
6 reviewing the discovery. Defendant Pesina's counsel has a
7 previously arranged out-of-town trip for the Thanksgiving holiday
8 from November 28, 2019 to December 1, 2019. In light of these
9 circumstances, sufficient good cause exists to enlarge time to file
10 pretrial motions.

11 For the foregoing reasons, Defendant Pesina respectfully
12 requests the Court extend the pretrial motions deadline.

13
14 Dated: November 27, 2019

Respectfully Submitted,

15 s/Adam R. Pechtel

16 Adam R. Pechtel/ WSBA #43743

17 Attorney for Defendant

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SERVICE CERTIFICATE

I certify that November 27, 2019, I electronically filed the foregoing with the District Court Clerk using the CM/ECF System, which will send notification of such filing to the following:

Stephanie Van Marter, Attorney for Plaintiff

s/Adam R. Pechtel
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